



558.6-7
25
C. 36

A N
A C T

For selling Part of the Estates of William Mason, Esquire, devised to him by the Will of William Mason, Esquire, deceased, and for laying out the Money to arise thereby in the Purchase of other Lands and Hereditaments, to be settled in Lieu thereof, to the Uses limited by the said Will; And for exchanging other Part of the said Estates of the said William Mason, so devised, for other Lands and Tenements to be settled in Lieu thereof, to the Uses limited by the same Will.

 *Whereas William Mason, late of Necton in the County of Norfolk, Esquire, made and duly published his last Will and Testament in Writing, bearing Date the Twenty-ninth Day of March, One Thousand Seven Hundred and Fifty-five, and thereby amongst other Things, gave and devised all his Messuages, Lands, Tenements, and Hereditaments, with the Appurtenances in Wbinburgh and Yaxham, or any other Town or Towns thereunto adjacent, and then in the Tenure or Occupation of Robert Hall, his Under-Tenant or Under-Tenants, to his Niece Mary Marcon (the Wife of John Marcon, Esquire,) for Life, with Remainder over to John Davis of Watlington in the said County, Esquire, and Richard Dashwood of Cockley-Cley in the same County, Esquire, and their Heirs; In Trust to preserve the contingent Re-*

A mainders,

[2]

mainders, with Remainder over to her first and other Sons successively in Tail, with Remainder to her Daughters in Tail, with Remainder to his Nephew *William Mason* in Fee. And the said *William Mason*, the Testator, also thereby gave and devised, all his Messuages, Lands, Tenements and Hereditaments in *Remystone*, and other Town or Towns thereunto adjoining, then in the Tenure or Occupation of *Francis Palmer* and *Jonathan Reive* the Younger, or their Under-Tenants; and also all his Messuages, Lands, Tenements and Hereditaments in *Shipdham* and *Letton*, or in any Town or Towns near thereto adjoining, then in the Tenure or Occupation of *Thorrold*, his Under-Tenant or Under-Tenants, to his Niece *Susanna Mason*, (now the Wife of Mr. *Francis Colombine*,) for her Life, with Remainder to the said *John Davis* and *Richard Dastwood*, and their Heirs, **In Trust** to preserve the contingent Remainders, with Remainders to her first and other Sons and Daughters in Tail for such Estates, and in such Manner as is therein before-mentioned concerning the said *Mary Marcon*, and her Sons and Daughters, with Remainder over to the said *William Mason*, his Nephew in Fee; and the said Testator, in and by his said Will, gave all other his Messuages, Lands, Tenements, and Hereditaments whatsoever, (charged with two several Annuities in the said Will mentioned, namely, one Annuity of Twenty Pounds to *Mary Mason*, Widow, (who is since deceased) and the other of Ten Pounds to *Susan Porter*, Spinster, payable for their respective Lives,) unto the said *John Davis* and *Richard Dastwood*, and their Heirs, until the said *William Mason*, his Nephew, should attain to the Age of Twenty-four Years, upon certain Trusts in the said Will mentioned; and when his said Nephew, *William Mason*, should arrive at his said Age of Twenty-four Years, then to the Use of the said *William Mason* the Nephew for Life, without Impeachment of Waste, with Remainder to the said *John Davis* and *Richard Dastwood*, and their Heirs; **In Trust** to preserve the contingent Remainders: And, after the Decease of the said *William Mason* the Nephew, to his first and other Sons successively in Tail, with Remainder to his Daughters in Tail, with Remainder to the Use of the said *Mary Marcon*, and *Susanna Mason*, as Tenants in common for their respective Lives, and after their Decease respectively; then to their respective Sons and Daughters for such Estates, and in such Manner as in the said Will is before limited and declared, for and concerning his said Nephew *William Mason*, and his Sons and Daughters.

And whereas the said *William Mason* the Testator, soon after making the said Will, departed this Life without Issue, without revoking or altering the same; and the said Messuages, Lands, Tenements, Hereditaments, and Premises so given to the said *William Mason* his Nephew, upon his coming to the Age of Twenty-four Years, are come to and vested in him (he having attained the Age of Twenty-four Years) for Life, with such Remainders over as aforesaid.

And whereas the Capital Mansion House and principal Part of the said Messuages, Lands, Tenements and Hereditaments given to the

the said *William Mason* the Nephew, when he should arrive at his Age of Twenty-four Years as aforesaid, are situate, lying and being in the Parishes of *Neston*, *Holme-Hale*, and *West Bradenham* in the said County of *Norfolk*, which Parishes are all adjoining; And the rest of the said Messuages, Lands, Tenements and Hereditaments so given as aforesaid, as well Freehold as Copyhold are situate, lying and being in the Parish of *Liverington* in the County of *Cambridge*, or some other Parishes or Places adjoining thereto, and in the several Parishes of *Carbrooke*, *Ovington*, *Castleacre*, *Newton*, *Bittering*, *Gresfendall*, *Beetley*, *North Pickenham*, *Houghton on the Hill*, *Sabam*, *Alhill*, and *Hingham* or other Parishes or Places adjoining to them, or some of them in the said County of *Norfolk*, and which are at a Distance and remote from the said Capital Mansion House and principal Part of the said Estates, and also from each other: And the Copyhold Parts thereof are held of many different Manors: And the Care, Inspection and Management of the same, and the collecting and receiving the Rents, Issues and Profits thereof are attended with great Trouble and Expence: And whereas several Parcels of the said Lands in the said Parish of *Neston* are intermixed with Lands of other Persons.

And whereas the said *William Mason* hath Issue Three Sons, namely, *William Mason*, *Thomas Mason* and *John Mason*, (who are all Infants of tender Years) by *Elizabeth* his Wife, and hath no other Issue: And the said *Mary Marcon* hath Issue by the said *John Marcon* her Husband Three Sons and One Daughter, namely, *John Marcon*, *Edmund Mason Marcon*, *Thomas Marcon* and *Mary Marcon* (who are all likewise Infants of tender Years) and hath no other Issue: And the said *Susanna Colombine* hath Issue by the said *Francis Colombine* her Husband Two Sons and One Daughter, namely, *Francis Colombine*, *Peter Colombine* and *Susanna Colombine* (who are all Infants of tender Years,) and hath no other Issue: And it will be for the Benefit of the said *William Mason* the Nephew and *Elizabeth* his Wife and the Issue of the said *William Mason* the Nephew; and also for the Benefit of the said *John Marcon* and *Mary* his Wife, *Francis Colombine* and *Susanna* his Wife, and of the Issue of the said *Mary Marcon* and *Susanna Colombine* respectively, and also for the Benefit of the said *Susan Porter* that the said Messuages, Lands, Tenements and Hereditaments so lying remote and at a Distance as aforesaid, both Freehold and Copyhold, should be forthwith sold, and the Money to arise thereby laid out in the Purchase of other Lands, Tenements and Hereditaments to be limited and settled to the same Uses, and chargeable with the same Annuity, as the said Estates, so to be sold, now stand limited and charged; and also that some of the said Lands in *Neston* aforesaid, devised by the said Will, should be exchanged for other Lands there, of equal or superior Value, to be settled in Lieu thereof to the Uses limited by the same Will; but although such Sale and Disposition of the Money to arise thereby, and also such Exchange will be manifestly for the Advantage of the several Persons interested in the said Estates, yet

yet the same cannot be effected without the Aid and Authority of Parliament. ~~Therefore~~ your MAJESTY's most dutiful and loyal Subjects, the said *William Mason*, the Nephew above-named, and *Elizabeth* his Wife, in Behalf of themselves and the said *William Mason*, *Thomas Mason* and *John Mason*, their Infant Children, the said *John Marcon* and *Mary* his Wife, in Behalf of themselves and *Mary Marcon*, *John Marcon*, *Edmund Mason Marcon*, and *Thomas Marcon*, their Infant Children, the said *Francis Colombine* and *Susanna* his Wife, in Behalf of themselves and *Francis Colombine*, *Peter Colombine*, and *Susanna Colombine*, their Infant Children, and the said *Sujan Porter*

Do most Humbly beseech Your MAJESTY.

That it may Be Enacted, And be it Enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the Authority of the same, That from and after the First Day of May, One Thousand Seven Hundred and Sixty-two, it shall and may be lawful to and for the said *John Davis*, *Richard Dashwood* and *Hamond Alpe*, Esq; and the Survivors and Survivor of them and the Heirs of such Survivor; and they the said *John Davis*, *Richard Dashwood* and *Hamond Alpe*, and the Survivors and Survivor of them, and the Heirs of such Survivors, are hereby authorised and impowered (by and with the Consent and Approbation of the said *William Mason* the Nephew above-named, if living, to be testified by Writing under his Hand and Seal; but if dead, then at the Discretion of the said Trustees or the Survivors or Survivor of them or his Heirs) absolutely to sell, convey and dispose of all and every the Messuages, Lands, Tenements and Hereditaments, as well Freehold as Copyhold given as aforesaid to the said *William Mason* the Nephew at his Age of Twenty-four Years, by the said Will of the said *William Mason* deceased as aforesaid, situate, lying and being in the said Parish of *Leverington* in the said County of *Cambridge*, or in any other Parish or Place adjoining thereto, and in the said several Parishes of *Carbrooke*, *Ovington*, *Castleacre*, *Newton*, *Bittering*, *Gressenball*, *Beetley*, *North Pickenham*, *Houghton on the Hill*, *Sabam*, *Asbill*, and *Hingham*, or in any other Parish or Place adjoining to them or any of them in the said County of *Norfolk*, either entirely or in Parcels, or any Part or Parts thereof; and the Remainders, Reversion, Fee-Simple and Inheritance of the same Premises or any Part thereof unto any Person or Persons that shall be willing to become the Purchaser or Purchasers thereof, and his, her or their Heirs, or to such other Person or Persons and for such Uses as any such Purchaser or Purchasers shall direct, for the most Money and best Price or Prices, that at the Time of such Sale or Sales can be reasonably had or gotten for the same, freed, and absolutely acquitted, exempted, exonerated and discharged of, from and against all and every the Uses, Trusts, Estates, Intails, Limitations, Charges, Powers, Provisoos, Remainders and

Contin-

Contingencies limited, created, expressed or declared of and concerning the same Messuages, Lands, Tenements and Premises or any of them in and by the said in Part recited Will of the said *William Mafen* deceased.

And be it further Enacted that they the said *John Davis, Richard Dabwood and Hamond Alpe*, or the Survivors or Survivor of them, or the Heirs of such Survivor shall do pay and apply and dispose of the Money arising and to be produced by such Sale or Sales as aforesaid, in Manner following: (that is to say) In the first Place in paying and defraying the Charges and Expences incident to and attending the obtaining and passing this present Act, and completing such Sales and Conveyances as aforesaid: and after Payment thereof and subject thereto, then upon Trust, that they the said *John Davis, Richard Dabwood and Hamond Alpe*, and the Survivors or Survivor of them, his Heirs, Executors or Administrators shall and do by and with the Consent and Approbation of the said *William Mafen*, the Nephew above named, if living, to be signified by Writing under his Hand and Seal: but if dead, then at the Discretion of the said Trustees, or the Survivors or Survivor of them, or his Heirs, lay out and invest the Residue and Surplus of the Money which shall arise by such Sale or Sales, and which shall not be applied for the Purposes aforesaid, in one or more Purchase or Purchases of Manors, Messuages, Lands, Tenements or Hereditaments of Inheritance, as well Freehold as Copyhold in Possession in the said County of *Norfolk*; and also shall and do upon or immediately after such Purchase or Purchases shall be made as aforesaid, convey, settle, limit and assure, or cause and procure to be conveyed, settled, limited and assured the Manors, Messuages, Lands, Tenements and Hereditaments so to be purchased, to, for and upon such and the same Uses, Estates, Trusts, Intents and Purposes, and chargeable with the same Annuity and under and subject to such and the same Powers, Provisions and Limitations as in and by the said recited Will are limited, expressed and declared of and concerning the said Messuages, Lands, Tenements and Hereditaments mentioned to be sold as aforesaid, or such and so many of them as shall be then existing, undetermined or capable of taking Effect.

And it is hereby further Enacted and declared by the Authority aforesaid, that in the mean time and until such Sale or Sales and Conveyances shall be made as aforesaid, the said *John Davis, Richard Dabwood and Hamond Alpe* and the Survivors or Survivor of them and his Heirs shall permit and suffer the Rents, Issues and Profits of the Messuages, Lands, Tenements, Hereditaments and Premises mentioned to be sold as aforesaid, to be received and taken by such Person and Persons as would, for the time being, have been intitled to receive the same, and to be applied and disposed of in the same Manner as if this Act had not been made.

And for promoting and facilitating the Sale of the Premises for the Purposes of this Act, it is hereby further Enacted and declared, That all and every Person and Persons to whom the said *John Davis, Richard Dabwood and Hamond Alpe* or the Survivors or Survivor of them

them, or the Heirs of such Survivor shall by Virtue of this Act make any Sale or Conveyance of all or any Part of the Messuages, Lands, Tenements, Hereditaments and Premises mentioned to be sold as aforesaid, And the Heirs and Assigns of such Purchaser or Purchasers shall and may upon Payment of their respective Purchase-Monies to the said *John Davis, Richard Dastwood and Hamond Alpe* or the Survivors or Survivor of them, or the Heirs of such Survivor, have hold and enjoy the Messuages, Lands, Tenements, Hereditaments and Premises by them respectively to be purchased, freed and absolutely discharged of and from all and every the Estates, Uses, Trusts, Powers, Provisoes, Limitations, Annuities, Remainders and Contingencies in and by the said recited Will limited, created, provided, expressed and declared of and concerning the same: And that the Receipt or Receipts of the said *John Davis, Richard Dastwood and Hamond Alpe*, or the Survivors or Survivor of them, or the Heirs of such Survivor under their or his Hands or Hand respectively shall from time to time be a good and effectual Discharge to the Purchaser or Purchasers of the same Premises, or any Part thereof, his, her and their Heirs, Executors and Administrators for so much of the Purchase-Money as in such Receipt or Receipts shall be expressed to be received: And after such Receipt and Receipts shall be given as aforesaid, such Purchaser and Purchasers shall be, and he, she and they respectively is and are hereby absolutely acquitted and discharged of and from the same, and shall not be answerable or accountable for any Loss, Misapplication or Non-application of the said Purchase-Money, or any Part thereof.

And it is hereby further Enacted and declared, by the Authority aforesaid, that in the mean Time, from and after any Sale, Conveyance and Assurance of the Premises, mentioned to be sold as aforesaid, or any Part thereof, shall be made and executed, and until such Manors, Messuages, Lands, Tenements and Hereditaments, hereby directed to be purchased with the Money arising by such Sale or Sales as aforesaid, can be purchased accordingly, it shall and may be lawful to, and for the said *John Davis, Richard Dastwood and Hamond Alpe*, and the Survivors or Survivor of them, his Heirs, Executors or Administrators, by and with the like Consent as aforesaid, to be testified as herein before is mentioned, to place out the Money arising by such Sale or Sales, upon the public Funds, or on Government or real Security, at Interest: And also from Time to Time to call in the principal Money so to be placed out, and to put and place the same out again on New or other Securities of the like Nature, at Interest, and to pay the Interest, Dividends and yearly Proceed arising, and to be produced from such Funds or Securities, unto such Person or Persons, as would for the Time being, be intitled to receive the Rents, Issues and Profits of the Manors, Messuages, Lands and Tenements, hereby directed to be purchased, in case the same were purchased and settled pursuant to this Act.

And it is hereby further Enacted and declared, by the Authority aforesaid, that the said *John Davis, Richard Dastwood and Hamond Alpe*, shall not, nor shall any of them, nor the Heirs, Executors,

executors, or Administrators of them, or any of them, be answerable or accountable for any Deficiency, Damage, or Loss of Money, to be received by virtue of, or under the Trusts hereby in them reposed, or in placing or depositing any such Sum or Sums of Money in the Bank of *England*, for safe Custody, until such Money can be laid out in a proper Security or Securities, or any otherwise relating to the Trusts hereby in them reposed, without his or their wilful Neglect or Default: And that no one of them shall be answerable or accountable for the Acts, Receipts, Neglects, or Defaults of the other of them: And also that the said Trustees, their respective Heirs, Executors and Administrators, shall and may, by and out of the Rents, Issues and Profits of the Premises, as well those to be sold, as of such which shall be purchased, retain to and reimburse themselves all Costs, Charges and Expences, that they respectively shall and may sustain, expend, or be put unto, in and about the Execution of the Trusts hereby in them reposed, and the Execution and Management thereof, or any ways touching or concerning the same.

Provided always, and it is hereby declared, that notwithstanding this Act, or any thing herein contained, the said *John Davis*, *Richard Dastwood* and *Hamond Alpe*, and the Survivors or Survivor of them, or the Heirs of such Survivor, shall not, nor are intended to be hereby authorized to sell any of the Copyhold Lands and Tenements, which the said *William Mason* the Nephew is intitled to, in Tail Male, by virtue of, or under the Will of *John Mason* deceased, dated the 22d of *November*, 1692, nor any Copyhold Lands and Tenements, which descended to or upon the said *William Mason* the Nephew, as Heir General of the said *William Mason*, deceased, for want of his having surrendered the same to the Use of his Will; but that all the said Copyhold Lands and Tenements shall be, and remain to the said *William Mason* the Nephew, in the same manner as if this Act had never been made.

And it is hereby further Enacted, by the Authority aforesaid, that it shall and may be lawful to and for the said *John Davis*, *Richard Dastwood* and *Hamond Alpe*, and the Survivors and Survivor of them, and the Heirs of such Survivor, and they the said *John Davis*, *Richard Dastwood* and *Hamond Alpe*, and the Survivors and Survivor of them, and the Heirs of such Survivor, are hereby authorized and empowered, by and with the Consent of the said *William Mason* the Nephew, to be testified in Writing under his Hand and Seal, at any Time or Times during his Life, to give and convey in Exchange any Lands or Tenements in the said Parish of *Necton*, devised to him the said *William Mason* the Nephew, by the Will of the said *William Mason*, deceased, as aforesaid, not exceeding eighty Acres in the whole, for other Lands and Tenements, either Freehold or Copyhold, in the said Parish of *Necton*, of equal or superior Value to the said Lands and Tenements so to be given in Exchange, and to accept and take such other Lands and Tenements for and in lieu of the said Lands and Tenements so given in Exchange as aforesaid, which Lands and Tenements so accepted and taken in Exchange as aforesaid, shall be conveyed, settled, limited and assured,

ed, to and for and upon such and the same Uses, Estates, Trusts, Intents and Purposes, and chargeable with the same Annuity, and under and subject to such and the same Powers, Provisions and Limitations, as in and by the said Will are limited, expressed and declared, of and concerning the said Lands and Tenements, so given in Exchange as aforesaid; or such and so many of them as shall be then existing, undetermined or capable of taking Effect; and the said Lands and Tenements so to be given or conveyed in exchange, shall be from thenceforth freed and absolutely acquitted, exonerated, exempted and discharged, of, from and against all and every the Uses, Trusts, Estates, Intails, Limitations, Charges, Powers, Provisions, Remainders and Contingencies limited, created, expressed or declared of and concerning the same Lands and Tenements by the said Will of the said *William Mason* deceased.

Saving to the King's most excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his and their respective Heirs, Successors, Executors, Administrators and Assigns (other than and except the said *William Mason* the Nephew, and *Elizabeth* his Wife, and his Sons and Daughters, and the several and respective Heirs of their several and respective Bodies, and the said *John Marcon* and *Mary* his Wife, and *Francis Colombine* and *Susannah* his Wife, and the respective Sons and Daughters of the said *Mary Marcon*, and *Susanna Colombine*, and the several and respective Heirs of their several and respective Bodies, and the said *Susan Porter* and the right Heirs of the said *William Mason* the Nephew, and all and every other Person and Persons, claiming or to claim, by, from, or under the said Will, any Use, Trust, Estate, Right, Title, or Interest of, in, to, or out of the said Messuages, Lands, Hereditaments and Premises mentioned to be sold, or given in Exchange, as aforesaid) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of in, to, or out of the said Messuages, Lands, Tenements, Hereditaments, and Premises, affected by this Act, or any Part thereof, as they, every or any of them had before the passing this Act, or could or might have had and enjoyed, in case this Act had never been made.

A
C
T
A
N

For selling Part of the Estates of *William Mason*, Esquire, devised to him by the Will of *William Mason* Esquire, deceased, and for laying out the Money to arise thereby in the Purchase of other Lands and Hereditaments, to be settled in Lieu thereof to the Uses limited by the said Will; And for exchanging other Part of the said Estates of the said *William Mason*, so devised, for other Lands and Tenements to be settled in Lieu thereof, to the Uses limited by the same Will.